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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,545	01/26/2006	Mitsugi Nomiya	FUJ122.367 (100794-01038)	5849
26304 7590 03/18/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER GESESSE, TILAHUN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 03/18/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,545	<b>Applicant(s)</b> NOMIYA ET AL.	
	<b>Examiner</b> Tilahun B. Gesesse	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodin et al (US 5,241,685) in view of Corbett (US 6,253,087).

Claims 1-2, Bodin teaches a dynamic traffic control method that controls traffic in a radio network system where a radio network controller causes a plurality of radio base stations to change radio outputs, (see abstract and figure 4, column 8, lines 31-64), in which traffic load dynamically controlled by the control network.

Bodin teaches a step of measuring a channel utilization rate of each of cells of the radio base stations every predetermined period (see column 8, lines 33-45 and flow chart of fig.8).

Bodin teaches a step of reducing the radio output of the first cell and increasing the radio output of a second cell adjacent to the first cell if the channel utilization rate of the first cell is predicted to reach the implementation level (see abstract and figure 4, column 8, lines 31-64).

Bodin teaches a step of controlling whether the channel utilization rate of a first cell of the cells reaches an implementation level, at which radio output control over the first cell is required, (see column 5, lines 24-46)

Bodin teaches in a next period based on a movement of the channel utilization rate in the past if the channel utilization rate of the first cell is at a warning level (see

column 5, lines 24-46 and figure 2).

Bodin does not expressly teach predicting cell load. However, Corbett, in similar art of endeavor, teaches “admission control is an adjustable parameter that can be set by the network provider on a frequency by frequency and /or cell-by-cell basis , --- network configuration, traffic patterns as ell as local terrain and RF conditions” (see column 4, lines 7-18) in which predicts cell by cell basis in order to determine the traffic pattern and load at any time in the future using exclusive drive test.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to predict and set traffic capacity in each cell, as taught by Corbett, in order to avoid miss calls and delay or drop of calls due to a base station carrying beyond its capacity.

Claims 3-4, Bodin teaches the radio outputs of the first cell and the second cell are changed by sending one instruction for each of the first cell and the second cell to the corresponding radio base stations from the radio network controller (see abstract and figure 4, column 8, lines 31-64)

Claims 5-6, Bodin teaches the radio outputs of the first cell and the second cell are gradually changed by sending a plurality of instructions for each of the first cell and the second cell to the corresponding radio base stations from the radio network controller (see abstract and figure 4, column 8, lines 31-64).

Claims 7-8, Bodin teaches a step of counting a number of areas included in each of the cells of the radio base stations every predetermined period and a step of changing the warning level or the implementation level according to the number of areas included in the corresponding cell (see figure 3a-3c and its description).

Claims 9-10, Bodin teaches the warning level or the implementation level is lowered if the number of the areas included in the corresponding cell is large (see figure 4 and its disclosure).

Claims 11-14, Bodin teaches a step of counting a number of areas included in each of the cells of the radio base stations every predetermined period and a step of applying weighting to the movement of the channel utilization rate in the past according to the number of areas included in the corresponding cell (see figure 3a-3c and its description).

Claim 15-18, Bodin does not expressly teach predicting cell load. However, Corbett, in similar art of endeavor, teaches "admission control is an adjustable parameter that can be set by the network provider on a frequency by frequency and /or cell-by-cell basis , --- network configuration, traffic patterns as ell as local terrain and RF conditions" (see column 4, lines 7-18) in which predicts cell by cell basis in order to determine the traffic pattern and load at any time in the future using exclusive drive test.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to predict and set traffic capacity in each cell, as taught by Corbett, in order to avoid miss calls and delay or drop of calls due to a base station carrying beyond its capacity.

Claim 19-20 , Bodin teaches a radio network controller device (MSC of figure 1) that controls traffic in a radio network system where a radio network controller causes a plurality of radio base stations to change radio outputs, (see abstract and figure 4, column 8, lines 31-64), in which traffic load dynamically controlled by the control network.

Bodin teaches a step of measuring a channel utilization rate of each of cells of the radio base stations every predetermined period (see column 8, lines 33-45 and flow chart of fig.8).

Bodin teaches a step of reducing the radio output of the first cell and increasing the radio output of a second cell adjacent to the first cell if the channel utilization rate of

the first cell is predicted to reach the implementation level (see abstract and figure 4, column 8, lines 31-64).

Bodin teaches a step of controlling whether the channel utilization rate of a first cell of the cells reaches an implementation level, at which radio output control over the first cell is required, (see column 5, lines 24-46)

Bodin teaches in a next period based on a movement of the channel utilization rate in the past if the channel utilization rate of the first cell is at a warning level (see column 5, lines 24-46 and figure 2).

Bodin does not expressly teach predicting cell load. However, Corbett, in similar, art of endeavor, teaches "admission control is an adjustable parameter that can be set by the network provider on a frequency by frequency and /or cell-by-cell basis, --- network configuration, traffic patterns as well as local terrain and RF conditions" (see column 4, lines 7-18) in which predicts cell by cell basis in order to determine the traffic pattern and load at any time in the future using exclusive drive test.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to predict and set traffic capacity in each cell, as taught by Corbett, in order to avoid miss calls and delay or drop of calls due to a base station carrying beyond its capacity or overload.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B. Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 7, 2008  
T.B.G

Tilahun B Gesesse  
Primary Examiner  
Art Unit 2618

**/Tilahun Gesesse/**

Primary Examiner, Art Unit 2618